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Monique Le
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Applicant : John W. Sims, et al.
Application No. : 09/807,070
Filed : April 6, 2001
Title : CASH MANAGEMENT SYSTEM INTERFACE
Grp./Div. : 3714
Examiner : Ronald Laneau
Docket No. : 39786/A484
Customer No. : 23363

Confirmation No. 2377

**SUBMISSION OF APPELLANT'S REPLY BRIEF
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
July 30, 2007

Commissioner:

Enclosed for filing is the Appellant's Reply Brief for this application.

X An oral hearing of the appeal is requested, and the total amount of \$1000.00, the fee for the oral hearing, is to be charged to Deposit Account No. 03-1728.

The Commissioner is hereby authorized to charge any further fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By *Tom H. Dao*
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626/795-9900

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This is a reply brief in response to the Examiner's Answer mailed on June 19, 2007.

Appellants maintain the arguments stated in the appeal brief. Appellants further clarify some of the arguments below.

**I. THE EXAMINER FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS IN
REJECTING CLAIMS 1-20 BECAUSE BROOKS CANNOT BE MODIFIED TO INCLUDE A
CASH DISPENSING FUNCTION**

**1. The Brooks Patent (U.S. Patent 6,067,530) Teaches Away from a Combination
with the Meeker Patent (U.S. Patent 5,883,371)**

When the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious. *KSR v. Teleflex*, 550 U.S. 12 (2007) citing *United States v. Adams*, 383 U.S. 51-52 (1966).

The Brooks reference is directed to a cash management system that tracks bills by cashier, by amount and by time while securing those bills immediately within a drop safe upon receipt from the customer in preparation for pickup by a courier service. (Abstract, underlining added). In the "Background of Invention" section, Brooks explains that prior art cash management systems (CMS) include a four step process:

(1) when the cashier makes change for the customer during the transaction; (2) when the cashier removes the excess cash from the cash register; (3) when the store manager retrieves the cash from each of the drop safes and then counts/verifies that the total of each cashier's drops equals the total sales rung up by that cashier; and (4) when the store manager assembles all of the cash drops into a single collection for preparation of a bank deposit, the manager must add up all of the cash and verify that the store's total amount of sales is equivalent to the total amount of cash that is in place. (Col. 1:26-38).

Brooks then states:

"However, such a four stage process involves redundant counting of money and is very complicated. It is, therefore, desirable to make only a single "count" at stage 1 and thereby eliminate duplicative counting at stages 2-4." (Col. 1:50-53). "The cash management system of the present invention facilitates this audit by providing the store manager, as well as the store owner, with the amount of cash dropped in the safe, thereby eliminating the counting of stages 2-4." (Col. 1:54-57).

The "DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT" section of Brooks further states:

"The CMS 20 comprises at least one establishment subsystem 22 that tracks the bills received at that establishment (e.g., a convenience store) based on bill denominations and cashier that a particular cashier received while simultaneously securing those bills immediately upon receipt from the customer in an electronic drop safe 24. . ." (Col. 5:18-24, underlining added).

"The importance of the processing center 28 in the CMS 20, among other things, is that once the bill is "dropped" into the safe 24 by the cashier from a customer, that bill remains secured

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within the safe 24 until it reaches the security of the processing center 28. In other words, actual "bill counting" is eliminated at the establishment 22 which not only alleviates a time-consuming task of the store manager, but also minimizes any exposure that those bills have outside of the safe 24 at the establishment 22." (Col. 5:35-44, underlining added).

Brooks sought to eliminate the unnecessary handling of money by reducing the conventional four stage process to a single step. Consequently, Brooks designed a system that transfers cash or money directly from a customer and then deposits the same directly into an electronic safe. By modifying Brooks to include the cash dispensing features disclosed by Meeker as suggested by the Examiner, the Examiner essentially introduces the very steps or stages Brooks sought to eliminate, which runs counter with the express teachings in the Brooks reference. Among other things, the added steps would introduce auditing requirements, risk of theft or robbery, and human errors in the added step, which Brooks expressly eliminated.

Further, the Examiner states that the modified combination "...would eliminate the need for the store manager having to manually verify each cashier and also enable the store manager to spend less time counting money and more time servicing customers." (Examiner's Answer, page 4). Brooks states:

It is another object of this invention to provide apparatus that enables the store manager to spend less time counting money and more time servicing customers...It is still yet a further object of this invention to provide cash management apparatus that eliminates the need for the store manager having to manually verify each cashier. (Brooks, col. 3:19-42).

These and other objects of the instant invention are achieved by providing a cash management system for at least one business establishment for tracking bills received from customers during sales transactions and for immediately securing the bills in preparation for pickup by a courier service for delivery to a processing center. (Brooks, col. 3:45-50).

Accordingly, one of ordinary skill in the art would not combine Brooks and Meeker to "eliminate the need for the store manager having to manually verify each cashier and also enable the store manager to spend less time counting money and more time servicing customers" when Brooks already stated that it achieved this result. Accordingly, the Brooks reference is complete in itself.

Moreover, as summarized above, Brooks' system already eliminates "bill counting" and reserves that step for a processing center. The Examiner's proposed system would actually add counting steps not eliminate them. Accordingly, Applicant submits that the combination of Brooks in view of Meeker is defective under *KSR v. Teleflex* and MPEP § 2143.01 as Brooks expressly teaches away from the proposed modification.

2. The Proposed Modification of Brooks Renders Brooks Unsatisfactory for Its Intended Purpose

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. (MPEP § 2143.01.v citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

As indicated above, Brooks states that "The importance of the processing center 28 in the CMS 20, among other things, is that once the bill is 'dropped' into the safe 24 by the cashier from a customer, that bill remains secured within the safe 24 until it reaches the security of the processing center 28." (Brooks, col. 5:35-40, underlining added). The Examiner's Answer states:

It would have been obvious to one of ordinary skill in the art to utilize the cash management including a digital deposit and dispensing safe as taught by Meeker into the system of Brooks because it would eliminate the need for the store manager having to manually verify each cashier and also enable the store manager to spend less time counting money and more time servicing customers." (Examiner's Answer, page 4).

Modifying the Brooks system to include a cash dispensing function is expressly opposite of the intended purpose of the cash management system (CMS) of Brooks as illustrated by the Brooks statement that "The importance of the processing center 28 in the CMS 20, among other things, is that once the bill is 'dropped' into the safe 24 by the cashier from a customer, that bill remains secured within the safe 24 until it reaches the security of the processing center 28." (Brooks, col. 5:35-40, underlining added). Accordingly, the proposed modification of Brooks to include the cash dispensing function of Meeker would render Brooks unsatisfactory for the intended purpose of securing bills within the safe until they reach the processing center.

Further, Brooks states "It is still yet a further object of this invention to minimize the amount of time that cash received is outside of a safe." (Brooks, col. 3:35-36). Modifying the Brooks system to include a cash dispensing function would result in additional time for cash received to be outside of the safe. Accordingly, the proposed modification of Brooks to include

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the cash dispensing function of Meeker would render Brooks unsatisfactory for the intended purpose of minimizing the amount of time that cash received is outside of the safe.

Moreover, Brooks states "It is another object of this invention to provide apparatus that enables the store manager to spend less time counting money and more time servicing customers. (Brooks, col. 3:19-22). As summarized above, Brooks' system already eliminates "bill counting" and reserves that step for a processing center. The Examiner's proposed system would actually add counting steps not eliminate them. Accordingly, the proposed modification of Brooks to include the cash dispensing function of Meeker would render Brooks unsatisfactory for the intended purpose of enabling the store manager to spend less time counting money and more time servicing customers.

Therefore, for any of the aforementioned reasons, the proposed modification of Brooks to include the cash dispensing function of Meeker would render the Brooks unsatisfactory for its intended purpose. Accordingly, there is no suggestion or motivation to make the proposed modification, and claim 1 is patentable for at least this reason.

3. The Proposed Modification of Brooks Changes the Principle of Operation of Brooks

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. (MPEP § 2143.01.vi citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)).

As stated above, Brooks states that "The importance of the processing center 28 in the CMS 20, among other things, is that once the bill is 'dropped' into the safe 24 by the cashier from a customer, that bill remains secured within the safe 24 until it reaches the security of the processing center 28." (Brooks, col. 5:35-40). The Examiner's Answer states "It would have been obvious to one of ordinary skill in the art to utilize the cash management including a digital deposit and dispensing safe as taught by Meeker into the system of Brooks because it would eliminate the need for the store manager having to manually verify each cashier and also enable

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the store manager to spend less time counting money and more time servicing customers." (Examiner's Answer, page 4). Including a cash dispensing function into the Brooks system is expressly opposite of the teaching in Brooks indicating that "once the bill is 'dropped' into the safe 24 by the cashier from a customer, that bill remains secured within the safe 24 until it reaches the security of the processing center 28."

Accordingly, the proposed modification of Brooks to include the cash dispensing function of Meeker would change the principle of operation of Brooks. Accordingly, the Examiner failed to establish a prima facie case of obviousness, and claim 1 is patentable for at least this reason.

II. THE EXAMINER FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS IN REJECTING CLAIMS 21-23 BECAUSE BROOKS DOES NOT TEACH EMULATING THE USER INTERFACE OF THE CASH MANAGEMENT SYSTEM

To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP § 2142).

The Examiner's Answer states (page 4):

As per claims 2, 4, 6, 8, 10, 12, 14, 16, 18, and 20-23, Brooks discloses a method of providing a communication interface for coupling a point-of-sale system 38 to a cash management system 24 for providing communication between the P.O.S. system and the cash management systems (fig. 2A, 39), providing software on the cash management system to permit operation of the cash management system over a communication link and providing software on the P.O.S. system to permit control of the cash management system over the internet (fig. 1A, electronic drop safe), a method wherein providing software on the P.O.S. system to permit control of the cash management system over the communication link (fig. 2A, 39) and providing software on the P.O.S. system to permit control of the cash management system over the internet (fig. 1A, electronic drop safe), a cash machine system 28 over a communication link 39 including providing a graphical user interface 38. (Examiner's Answer, page 4).

The above citation appears to relate to claim 1 and claim 2, however, independent claim 21 recites "a method of providing a communication interface for coupling a point-of-sale (P.O.S.) system to a cash management system comprising...wherein the cash management system includes a user interface, and providing software on the P.O.S. system to permit control of the cash management system over a communication link comprises providing a user interface software on the P.O.S. system which emulates the user interface of the cash management

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system." (underlining added). Applicant is unable to find, and the Office Action fails to indicate, a teaching in Meeker or Brooks, alone or in combination, of "providing a user interface software on the P.O.S. system which emulates the user interface of the cash management system", as recited in claim 21. Indeed, other than the Examiner's conclusory statement no citation was made to any of the cited references to support the Examiner's position. Further, in regard to this matter, the Examiner's Answer states "In response to Applicant's arguments, Brooks does disclose such a feature (see rejection above for specific citations of columns and lines)". (Examiner's Answer, page 5). However, Applicant is unable to find a single citation of columns and lines within Examiner's Answer or the prior Office Action. Instead, the Examiner cites only to the figures of Brooks, which even when considered in combination with the text of Brooks fail to teach or suggest "providing a user interface software on the P.O.S. system which emulates the user interface of the cash management system", as recited in claim 21.

The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. (MPEP § 706). Applicant submits the inability to provide a complete response without a clearly articulated rejection of independent claim 21. Therefore, Applicant respectfully request the removal of the rejection of claim 21.

Accordingly, the Examiner failed to establish a prima facie case of obviousness, and claim 21 is patentable for at least this reason.

III. THE EXAMINER FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS IN REJECTING CLAIMS 24-26 BECAUSE THE EXAMINER FAILED TO ARTICULATE A REJECTION RELATING TO CLAIM 24

As stated above, the goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. (MPEP § 706). Neither the Examiner's Answer nor the prior Office Action provided any bases, reasons, or comments for rendering claim 24 obvious under § 103(a). Therefore, Applicant submits the inability to provide

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a response without a clearly articulated rejection of independent claim 24. Accordingly, Applicant respectfully requests the removal of the rejection of claims 24.

Assuming arguendo that the Examiner's Answer had articulated a rejection, independent claim 24 is not taught or suggested by Brooks or Meeker or any combination thereof. Independent claim 24 recites, in part, a method of providing a communication interface for coupling a point-of-sale system to a cash management system having cash depositing and cash dispensing functions and providing software on the P.O.S. system for performing diagnostic functions on the cash management system over the communication link using a user interface device at the P.O.S. system.

In the first instance and as discussed above, Brooks expressly teaches away from incorporating a cash dispensing function in combination with a cash depositing function. Thus, Brooks with Meeker cannot be combined in the manner suggested.

In the second instance, claim 24 recites, in part, "providing software on the P.O.S. system for performing diagnostic functions on the cash management system over the communication link using a user interface device at the P.O.S. system". Neither the Examiner's Answer nor the prior Office Action provided any bases, reasons, or comments for rendering this part of claim 24 obvious under § 103(a). No reference was made to Brooks or Meeker nor could Applicant find any teaching in the two references regarding "providing software on the P.O.S. system for performing diagnostic functions on the cash management system over the communication link using a user interface device at the P.O.S. system."

Accordingly, the Examiner failed to articulate a rejection for claim 24, but even if the Examiner had, Brooks in view of Meeker, even if combinable, failed to teach or suggest all the claim limitations of claim 24.

Therefore, the Examiner failed to establish a prima facie case for obviousness, and claim 24 is patentable for at least this reason.


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Reply Brief

IV. CONCLUSION

For the above reasons, claims 1-26 are believed allowable and reversal of the rejection is respectfully requested.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
Tom H. Dao
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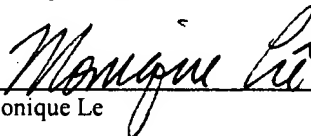
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These and other objects of the instant invention are achieved by providing a cash management system for at least one business establishment for tracking bills received from customers during sales transactions and for immediately securing the bills in preparation for pickup by a courier service for delivery to a processing center. (Brooks, col. 3:45-50).

Accordingly, one of ordinary skill in the art would not combine Brooks and Meeker to "eliminate the need for the store manager having to manually verify each cashier and also enable the store manager to spend less time counting money and more time servicing customers" when Brooks already stated that it achieved this result. Accordingly, the Brooks reference is complete in itself.

Moreover, as summarized above, Brooks' system already eliminates "bill counting" and reserves that step for a processing center. The Examiner's proposed system would actually add counting steps not eliminate them. Accordingly, Applicant submits that the combination of Brooks in view of Meeker is defective under *KSR v. Teleflex* and MPEP § 2143.01 as Brooks expressly teaches away from the proposed modification.

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Modifying the Brooks system to include a cash dispensing function is expressly opposite of the intended purpose of the cash management system (CMS) of Brooks as illustrated by the Brooks statement that "The importance of the processing center 28 in the CMS 20, among other things, is that once the bill is 'dropped' into the safe 24 by the cashier from a customer, that bill remains secured within the safe 24 until it reaches the security of the processing center 28." (Brooks, col. 5:35-40, underlining added). Accordingly, the proposed modification of Brooks to include the cash dispensing function of Meeker would render Brooks unsatisfactory for the intended purpose of securing bills within the safe until they reach the processing center.

Further, Brooks states "It is still yet a further object of this invention to minimize the amount of time that cash received is outside of a safe." (Brooks, col. 3:35-36). Modifying the Brooks system to include a cash dispensing function would result in additional time for cash received to be outside of the safe. Accordingly, the proposed modification of Brooks to include

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the cash dispensing function of Meeker would render Brooks unsatisfactory for the intended purpose of minimizing the amount of time that cash received is outside of the safe.

Moreover, Brooks states "It is another object of this invention to provide apparatus that enables the store manager to spend less time counting money and more time servicing customers. (Brooks, col. 3:19-22). As summarized above, Brooks' system already eliminates "bill counting" and reserves that step for a processing center. The Examiner's proposed system would actually add counting steps not eliminate them. Accordingly, the proposed modification of Brooks to include the cash dispensing function of Meeker would render Brooks unsatisfactory for the intended purpose of enabling the store manager to spend less time counting money and more time servicing customers.

Therefore, for any of the aforementioned reasons, the proposed modification of Brooks to include the cash dispensing function of Meeker would render the Brooks unsatisfactory for its intended purpose. Accordingly, there is no suggestion or motivation to make the proposed modification, and claim 1 is patentable for at least this reason.

3. The Proposed Modification of Brooks Changes the Principle of Operation of Brooks

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. (MPEP § 2143.01.vi citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)).

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Accordingly, the proposed modification of Brooks to include the cash dispensing function of Meeker would change the principle of operation of Brooks. Accordingly, the Examiner failed to establish a prima facie case of obviousness, and claim 1 is patentable for at least this reason.

II. THE EXAMINER FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS IN REJECTING CLAIMS 21-23 BECAUSE BROOKS DOES NOT TEACH EMULATING THE USER INTERFACE OF THE CASH MANAGEMENT SYSTEM

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The above citation appears to relate to claim 1 and claim 2, however, independent claim 21 recites "a method of providing a communication interface for coupling a point-of-sale (P.O.S.) system to a cash management system comprising...wherein the cash management system includes a user interface, and providing software on the P.O.S. system to permit control of the cash management system over a communication link comprises providing a user interface software on the P.O.S. system which emulates the user interface of the cash management

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system." (underlining added). Applicant is unable to find, and the Office Action fails to indicate, a teaching in Meeker or Brooks, alone or in combination, of "providing a user interface software on the P.O.S. system which emulates the user interface of the cash management system", as recited in claim 21. Indeed, other than the Examiner's conclusory statement no citation was made to any of the cited references to support the Examiner's position. Further, in regard to this matter, the Examiner's Answer states "In response to Applicant's arguments, Brooks does disclose such a feature (see rejection above for specific citations of columns and lines)". (Examiner's Answer, page 5). However, Applicant is unable to find a single citation of columns and lines within Examiner's Answer or the prior Office Action. Instead, the Examiner cites only to the figures of Brooks, which even when considered in combination with the text of Brooks fail to teach or suggest "providing a user interface software on the P.O.S. system which emulates the user interface of the cash management system", as recited in claim 21.

The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. (MPEP § 706). Applicant submits the inability to provide a complete response without a clearly articulated rejection of independent claim 21. Therefore, Applicant respectfully request the removal of the rejection of claim 21.

Accordingly, the Examiner failed to establish a prima facie case of obviousness, and claim 21 is patentable for at least this reason.

III. THE EXAMINER FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS IN REJECTING CLAIMS 24-26 BECAUSE THE EXAMINER FAILED TO ARTICULATE A REJECTION RELATING TO CLAIM 24

As stated above, the goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. (MPEP § 706). Neither the Examiner's Answer nor the prior Office Action provided any bases, reasons, or comments for rendering claim 24 obvious under § 103(a). Therefore, Applicant submits the inability to provide

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a response without a clearly articulated rejection of independent claim 24. Accordingly, Applicant respectfully requests the removal of the rejection of claims 24.

Assuming arguendo that the Examiner's Answer had articulated a rejection, independent claim 24 is not taught or suggested by Brooks or Meeker or any combination thereof. Independent claim 24 recites, in part, a method of providing a communication interface for coupling a point-of-sale system to a cash management system having cash depositing and cash dispensing functions and providing software on the P.O.S. system for performing diagnostic functions on the cash management system over the communication link using a user interface device at the P.O.S. system.

In the first instance and as discussed above, Brooks expressly teaches away from incorporating a cash dispensing function in combination with a cash depositing function. Thus, Brooks with Meeker cannot be combined in the manner suggested.

In the second instance, claim 24 recites, in part, "providing software on the P.O.S. system for performing diagnostic functions on the cash management system over the communication link using a user interface device at the P.O.S. system". Neither the Examiner's Answer nor the prior Office Action provided any bases, reasons, or comments for rendering this part of claim 24 obvious under § 103(a). No reference was made to Brooks or Meeker nor could Applicant find any teaching in the two references regarding "providing software on the P.O.S. system for performing diagnostic functions on the cash management system over the communication link using a user interface device at the P.O.S. system."

Accordingly, the Examiner failed to articulate a rejection for claim 24, but even if the Examiner had, Brooks in view of Meeker, even if combinable, failed to teach or suggest all the claim limitations of claim 24.

Therefore, the Examiner failed to establish a prima facie case for obviousness, and claim 24 is patentable for at least this reason.

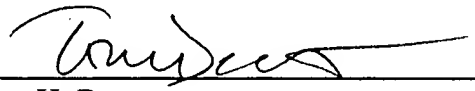
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IV. CONCLUSION

For the above reasons, claims 1-26 are believed allowable and reversal of the rejection is respectfully requested.

Respectfully submitted,

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